

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW
300 SOUTH GRAND AVENUE, 25TH FLOOR
LOS ANGELES, CALIFORNIA 90071

RITA L. NEAL, Bar No. 151156
San Luis Obispo County Counsel
rneal@co.slo.ca.us
1055 Monterey Street
San Luis Obispo, CA 93408
Telephone: (805) 781-5400
Facsimile: (805) 781-4221

JEFFREY V. DUNN, Bar No. 131926
jeffrey.dunn@bbklaw.com
CHRISTOPHER M. PISANO, Bar No. 192831
christopher.pisano@bbklaw.com
BEST BEST & KRIEGER LLP
300 South Grand Avenue
25th Floor
Los Angeles, California 90071
Telephone: (213) 617-8100
Facsimile: (213) 617-7480

Attorneys for Defendant
COUNTY OF SAN LUIS OBISPO

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

SAN LUIS OBISPO COUNTY
HOMELESS UNION, a local affiliate of
the CALIFORNIA HOMELESS
UNION, on behalf of itself, its members
and current and former residents of
Oklahoma Parking Site; DAVID
RICHFORD; DAN RICHFORD; TIM
McELROY; LEON SHAHOIAN; DE
DURLESSER; NAOMI DE LEON;
MICHEL MAEZ; NAOMIE DeGRAW;
TREVA KATHAWAY and DOES 1-50,

Plaintiffs,

v.

COUNTY OF SAN LUIS OBISPO, a
political subdivision of the State of
California; COUNTY OF SAN LUIS
OBISPO DEPARTMENT OF SOCIAL
SERVICES, HOMELESS SERVICES
DIVISION; DEVIN DRAKE, in his
official capacity as Director of Social

Case No. 2:24-CV-00616-AB-MAA
Assigned to Hon. Andre Birotte, Jr.

**COUNTY OF SAN LUIS
OBISPO'S OBJECTION TO
PLAINTIFFS' REPLY TO
OPPOSITION TO EX PARTE
APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER**

Judge: Andre Birotte, Jr.
Action Filed: 01/23/2021

Services; MORGAN TERRELL in his
official capacities as County Director of
Homeless Services; JEFFREY AL-
MASHAT, individually and in his
official capacity as COUNTY
PROGRAM MANAGER;
COMMUNITY ACTION
PARTNERSHIP OF SAN LUIS
OBISPO COUNTY (“CAPSLO”) a non-
profit County contractor; ELIZABETH
STEINBERG, in her official capacity as
CEO of CAPSLO; JACK LAHEY, in
his official capacity as Director of
Homeless Services for CAPSLO
(“CAPSLO”) and DOES 1-100,

Defendants.

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2:24-CV-00616

COUNTY OF SAN LUIS OBISPO’S
OPPOSITION TO PLAINTIFFS’ EX PARTE
APPLICATION FOR A TEMPORARY
RESTRAINING ORDER

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**TO THE HONORABLE COURT, ALL PARTIES, AND THEIR
COUNSEL OF RECORD:**

Defendant County of San Luis Obispo (“County”) objects to Plaintiff’s reply to opposition to the ex parte application for a temporary restraining order (“TRO”). The County’s objection is based on the ground that there is no authority in the Central District Local Rules or this Court’s standing order for a party bringing an ex parte application to file a reply brief. See Local Rule 7-19; Dkt. 7, pp.12-13.

As the record demonstrates, on February 2, 2024 the County informed Plaintiffs’ counsel of the March 18, 2024 date for the closure of the Oklahoma Parking Village. This gave Plaintiffs and their counsel over six weeks of notice. Yet rather than file a regular noticed motion for a preliminary injunction, which Plaintiffs could have done, they chose to seek an injunction through an application for a TRO. In doing so, Plaintiffs forced the County to provide a response in only one day, so the County did not have the benefit of notice and the time to prepare an opposition that is afforded under Local Rule 7-9. But also in doing so, Plaintiffs undertook a process that does not give them the ability to file a reply. Plaintiffs cannot have it both ways. They opted to file an ex parte application, and as such there is no basis for them having filed a reply. The County objects, and requests that the Court strike the reply and the Prince declaration in support of the reply.

Dated: February 28, 2024

Respectfully Submitted,

BEST BEST & KRIEGER LLP

By: /s/ Christopher M. Pisano

CHRISTOPHER M. PISANO

JEFFREY V. DUNN

Attorneys for Defendant

COUNTY OF SAN LUIS OBISPO